

Bill No. SB 1858

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Proposed Committee Substitute by the Committee on Community
Affairs

1 A bill to be entitled

2 An act relating to growth management; amending

3 s. 163.3164, F.S.; conforming terminology;

4 amending s. 163.3177, F.S.; correcting a

5 cross-reference; amending s. 163.3180, F.S.;

6 correcting a cross-reference; conforming

7 terminology; amending s. 163.3184, F.S.;

8 correcting a cross-reference; amending s.

9 163.3247, F.S.; expanding the membership of the

10 Century Commission for a SustainableFlorida;

11 revising the date for completion of

12 appointments to the commission; amending s.

13 201.15, F.S.; providing an additional sum to

14 the State Transportation Trust Fund for

15 specified purposes; deleting obsolete

16 provisions relating to the High Growth District

17 Capital Outlay Assistance Grant Program;

18 appropriating an additional sum to fund the

19 Classrooms for Kids Program; deleting obsolete

20 provisions relating to certain recurring

21 funding for the Century Commission;

22 appropriating recurring funding for the Century

23 Commission for a Sustainable Florida;

24 correcting a cross-reference; amending s.

25 339.2819, F.S.; correcting a cross-reference;

26 amending s. 380.06, F.S.; conforming

27 terminology; amending s. 1013.65, F.S.;

28 increasing the amount appropriated from the

29 Public Education Capital Outlay and Debt

30 Service Trust Fund to fund the Classrooms for

31 Kids Program; amending s. 1013.738, F.S.;

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1 revising the prerequisites to the establishment
2 and funding of the High Growth District Capital
3 Outlay Assistance Grant Program; appropriating
4 a sum that was vetoed for the 2005-2006 fiscal
5 year to the State Transportation Trust Fund in
6 the Department of Transportation on a
7 nonrecurring basis for the 2005-2006 fiscal
8 year for the purposes of the Strategic
9 Intermodal System; reducing the amount
10 appropriated in section 27 of chapter 2005-290,
11 Laws of Florida, to the State Transportation
12 Trust Fund in the Department of Transportation
13 for the 2005-2006 fiscal year; appropriating a
14 sum for the High Growth District Capital Outlay
15 Assistance Grant Program, which was vetoed for
16 the 2005-2006 fiscal year, and sum which is in
17 the Public Education Capital Outlay and Debt
18 Service Trust Fund in the Department of
19 Education, for the 2005-2006 fiscal year on a
20 nonrecurring basis to the Classrooms for Kids
21 Program; providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (32) of section 163.3164,
26 Florida Statutes, is amended to read:
27 163.3164 Local Government Comprehensive Planning and
28 Land Development Regulation Act; definitions.--As used in this
29 act:

30 (32) "Financial feasibility" means that sufficient
31 revenues are currently available or will be available from

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1 committed funding sources for the first 3 years, or will be
2 available from committed or planned funding sources for years
3 4 and 5, of a 5-year capital improvement schedule for
4 financing capital improvements, such as ad valorem taxes,
5 bonds, state and federal funds, tax revenues, impact fees, and
6 developer contributions, which are adequate to fund the
7 projected costs of the capital improvements identified in the
8 comprehensive plan necessary to ensure that adopted
9 level-of-service standards are achieved and maintained within
10 the period covered by the 5-year schedule of capital
11 improvements. The requirement that level-of-service standards
12 be achieved and maintained shall not apply if the
13 proportionate fair-share mitigation ~~proportionate-share~~
14 process set forth in s. 163.3180(12) and (16) is used.

15 Section 2. Paragraph (c) of subsection (13) of section
16 163.3177, Florida Statutes, is amended to read:

17 163.3177 Required and optional elements of
18 comprehensive plan; studies and surveys.--

19 (13) Local governments are encouraged to develop a
20 community vision that provides for sustainable growth,
21 recognizes its fiscal constraints, and protects its natural
22 resources. At the request of a local government, the
23 applicable regional planning council shall provide assistance
24 in the development of a community vision.

25 (c) As part of the workshops and public meetings, the
26 local government must discuss strategies for addressing the
27 topics discussed under paragraph (b), including:

28 1. Strategies to preserve open space and
29 environmentally sensitive lands, and to encourage a healthy
30 agricultural economy, including innovative planning and
31 development strategies, such as the transfer of development

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1 rights;

2 2. Incentives for mixed-use development, including
3 increased height and intensity standards for buildings that
4 provide residential use in combination with office or
5 commercial space;

6 3. Incentives for workforce housing;

7 4. Designation of an urban service boundary pursuant
8 to subsection(14) ~~(2)~~; and

9 5. Strategies to provide mobility within the community
10 and to protect the Strategic Intermodal System, including the
11 development of a transportation corridor management plan under
12 s. 337.273.

13 Section 3. Subsection (13) and paragraphs (b), (c),
14 and (f) of subsection (16) of section 163.3180, Florida
15 Statutes, are amended to read:

16 163.3180 Concurrency.--

17 (13) School concurrency shall be established on a
18 districtwide basis and shall include all public schools in the
19 district and all portions of the district, whether located in
20 a municipality or an unincorporated area unless exempt from
21 the public school facilities element pursuant to s.
22 163.3177(12). The application of school concurrency to
23 development shall be based upon the adopted comprehensive
24 plan, as amended. All local governments within a county,
25 except as provided in paragraph (f), shall ~~adopt and~~ transmit
26 to the state land planning agency and adopt the necessary plan
27 amendments, along with the interlocal agreement, for a
28 compliance review pursuant to s. 163.3184(7) and (8). The
29 minimum requirements for school concurrency are the following:

30 (a) Public school facilities element.--A local
31 government shall ~~adopt and~~ transmit to the state land planning

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1 agency and adopt a plan or plan amendment that ~~which~~ includes
2 a public school facilities element which is consistent with
3 the requirements of s. 163.3177(12) and which is determined to
4 be in compliance as defined in s. 163.3184(1)(b). All local
5 government public school facilities plan elements within a
6 county must be consistent with each other as well as the
7 requirements of this part.

8 (b) Level-of-service standards.--The Legislature
9 recognizes that an essential requirement for a concurrency
10 management system is the level of service at which a public
11 facility is expected to operate.

12 1. Local governments and school boards imposing school
13 concurrency shall exercise authority in conjunction with each
14 other to establish jointly adequate level-of-service
15 standards, as defined in chapter 9J-5, Florida Administrative
16 Code, necessary to implement the adopted local government
17 comprehensive plan, based on data and analysis.

18 2. Public school level-of-service standards shall be
19 included and adopted into the capital improvements element of
20 the local comprehensive plan and shall apply districtwide to
21 all schools of the same type. Types of schools may include
22 elementary, middle, and high schools as well as special
23 purpose facilities such as magnet schools.

24 3. Local governments and school boards shall have the
25 option to utilize tiered level-of-service standards to allow
26 time to achieve an adequate and desirable level of service as
27 circumstances warrant.

28 (c) Service areas.--The Legislature recognizes that an
29 essential requirement for a concurrency system is a
30 designation of the area within which the level of service will
31 be measured when an application for a residential development

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1 permit is reviewed for school concurrency purposes. This
2 delineation is also important for purposes of determining
3 whether the local government has a financially feasible public
4 school capital facilities program that will provide schools
5 which will achieve and maintain the adopted level-of-service
6 standards.

7 1. In order to balance competing interests, preserve
8 the constitutional concept of uniformity, and avoid disruption
9 of existing educational and growth management processes, local
10 governments are encouraged to initially apply school
11 concurrency to development only on a districtwide basis so
12 that a concurrency determination for a specific development
13 will be based upon the availability of school capacity
14 districtwide. To ensure that development is coordinated with
15 schools having available capacity, within 5 years after
16 adoption of school concurrency, local governments shall apply
17 school concurrency on a less than districtwide basis, such as
18 using school attendance zones or concurrency service areas, as
19 provided in subparagraph 2.

20 2. For local governments applying school concurrency
21 on a less than districtwide basis, such as utilizing school
22 attendance zones or larger school concurrency service areas,
23 local governments and school boards shall have the burden to
24 demonstrate that the utilization of school capacity is
25 maximized to the greatest extent possible in the comprehensive
26 plan and amendment, taking into account transportation costs
27 and court-approved desegregation plans, as well as other
28 factors. In addition, in order to achieve concurrency within
29 the service area boundaries selected by local governments and
30 school boards, the service area boundaries, together with the
31 standards for establishing those boundaries, shall be

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1 identified and included as supporting data and analysis for
2 the comprehensive plan.

3 3. Where school capacity is available on a
4 districtwide basis but school concurrency is applied on a less
5 than districtwide basis in the form of concurrency service
6 areas, if the adopted level-of-service standard cannot be met
7 in a particular service area as applied to an application for
8 a development permit and if the needed capacity for the
9 particular service area is available in one or more contiguous
10 service areas, as adopted by the local government, then the
11 local government may not deny an application for site plan or
12 final subdivision approval or the functional equivalent for a
13 development or phase of a development on the basis of school
14 concurrency, and if issued, development impacts shall be
15 shifted to contiguous service areas with schools having
16 available capacity.

17 (d) Financial feasibility.--The Legislature recognizes
18 that financial feasibility is an important issue because the
19 premise of concurrency is that the public facilities will be
20 provided in order to achieve and maintain the adopted
21 level-of-service standard. This part and chapter 9J-5, Florida
22 Administrative Code, contain specific standards to determine
23 the financial feasibility of capital programs. These standards
24 were adopted to make concurrency more predictable and local
25 governments more accountable.

26 1. A comprehensive plan amendment seeking to impose
27 school concurrency shall contain appropriate amendments to the
28 capital improvements element of the comprehensive plan,
29 consistent with the requirements of s. 163.3177(3) and rule
30 9J-5.016, Florida Administrative Code. The capital
31 improvements element shall set forth a financially feasible

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1 public school capital facilities program, established in
2 conjunction with the school board, that demonstrates that the
3 adopted level-of-service standards will be achieved and
4 maintained.

5 2. Such amendments shall demonstrate that the public
6 school capital facilities program meets all of the financial
7 feasibility standards of this part and chapter 9J-5, Florida
8 Administrative Code, that apply to capital programs which
9 provide the basis for mandatory concurrency on other public
10 facilities and services.

11 3. When the financial feasibility of a public school
12 capital facilities program is evaluated by the state land
13 planning agency for purposes of a compliance determination,
14 the evaluation shall be based upon the service areas selected
15 by the local governments and school board.

16 (e) Availability standard.--Consistent with the public
17 welfare, a local government may not deny an application for
18 site plan, final subdivision approval, or the functional
19 equivalent for a development or phase of a development
20 authorizing residential development for failure to achieve and
21 maintain the level-of-service standard for public school
22 capacity in a local school concurrency management system where
23 adequate school facilities will be in place or under actual
24 construction within 3 years after the issuance of final
25 subdivision or site plan approval, or the functional
26 equivalent. School concurrency shall be satisfied if the
27 developer executes a legally binding commitment to provide
28 proportionate fair-share mitigation proportionate to the
29 demand for public school facilities to be created by actual
30 development of the property, including, but not limited to,
31 the options described in subparagraph 1. Options for

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1 proportionate fair-share ~~proportionate-share~~ mitigation of
2 impacts on public school facilities shall be established in
3 the public school facilities element and the interlocal
4 agreement pursuant to s. 163.31777.

5 1. Appropriate proportionate fair-share mitigation
6 options include the contribution of land; the construction,
7 expansion, or payment for land acquisition or construction of
8 a public school facility; or the creation of mitigation
9 banking based on the construction of a public school facility
10 in exchange for the right to sell capacity credits. Such
11 options must include execution by the applicant and the local
12 government of a binding development agreement that constitutes
13 a legally binding commitment to pay proportionate fair-share
14 ~~proportionate-share~~ mitigation for the additional residential
15 units approved by the local government in a development order
16 and actually developed on the property, taking into account
17 residential density allowed on the property prior to the plan
18 amendment that increased overall residential density. The
19 district school board shall be a party to such an agreement.
20 As a condition of its entry into such a development agreement,
21 the local government may require the landowner to agree to
22 continuing renewal of the agreement upon its expiration.

23 2. If the education facilities plan and the public
24 educational facilities element authorize a contribution of
25 land; the construction, expansion, or payment for land
26 acquisition; or the construction or expansion of a public
27 school facility, or a portion thereof, as proportionate
28 fair-share ~~proportionate-share~~ mitigation, the local
29 government shall credit such a contribution, construction,
30 expansion, or payment toward any other impact fee or exaction
31 imposed by local ordinance for the same need, on a

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1 dollar-for-dollar basis at fair market value.

2 3. Any proportionate fair-share ~~proportionate-share~~
3 mitigation must be directed by the school board toward a
4 school capacity improvement identified in a financially
5 feasible 5-year district work plan and which satisfies the
6 demands created by that development in accordance with a
7 binding developer's agreement.

8 4. This paragraph does not limit the authority of a
9 local government to deny a development permit or its
10 functional equivalent pursuant to its home rule regulatory
11 powers, except as provided in this part.

12 (f) Intergovernmental coordination.--

13 1. When establishing concurrency requirements for
14 public schools, a local government shall satisfy the
15 requirements for intergovernmental coordination set forth in
16 s. 163.3177(6)(h)1. and 2., except that a municipality is not
17 required to be a signatory to the interlocal agreement
18 required by ss. 163.3177(6)(h)2. and 163.31777 ~~163.31777(6)~~,
19 as a prerequisite for imposition of school concurrency, and as
20 a nonsignatory, shall not participate in the adopted local
21 school concurrency system, if the municipality meets all of
22 the following criteria for having no significant impact on
23 school attendance:

24 a. The municipality has issued development orders for
25 fewer than 50 residential dwelling units during the preceding
26 5 years, or the municipality has generated fewer than 25
27 additional public school students during the preceding 5
28 years.

29 b. The municipality has not annexed new land during
30 the preceding 5 years in land use categories which permit
31 residential uses that will affect school attendance rates.

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1 c. The municipality has no public schools located
2 within its boundaries.

3 d. At least 80 percent of the developable land within
4 the boundaries of the municipality has been built upon.

5 2. A municipality that ~~which~~ qualifies as having no
6 significant impact on school attendance pursuant to the
7 criteria of subparagraph 1. must review and determine at the
8 time of its evaluation and appraisal report pursuant to s.
9 163.3191 whether it continues to meet the criteria pursuant to
10 s. 163.3177(6). If the municipality determines that it no
11 longer meets the criteria, it must adopt appropriate school
12 concurrency goals, objectives, and policies in its plan
13 amendments based on the evaluation and appraisal report, and
14 enter into the existing interlocal agreement required by ss.
15 163.3177(6)(h)2. and 163.31777, in order to fully participate
16 in the school concurrency system. If such a municipality
17 fails to do so, it will be subject to the enforcement
18 provisions of s. 163.3191.

19 (g) Interlocal agreement for school concurrency.--When
20 establishing concurrency requirements for public schools, a
21 local government must enter into an interlocal agreement that
22 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
23 163.31777 and the requirements of this subsection. The
24 interlocal agreement shall acknowledge both the school board's
25 constitutional and statutory obligations to provide a uniform
26 system of free public schools on a countywide basis, and the
27 land use authority of local governments, including their
28 authority to approve or deny comprehensive plan amendments and
29 development orders. The interlocal agreement shall be
30 submitted to the state land planning agency by the local
31 government as a part of the compliance review, along with the

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1 other necessary amendments to the comprehensive plan required
2 by this part. In addition to the requirements of ss.
3 163.3177(6)(h) and 163.31777, the interlocal agreement shall
4 meet the following requirements:

5 1. Establish the mechanisms for coordinating the
6 development, adoption, and amendment of each local
7 government's public school facilities element with each other
8 and the plans of the school board to ensure a uniform
9 districtwide school concurrency system.

10 2. Establish a process for the development of siting
11 criteria which encourages the location of public schools
12 proximate to urban residential areas to the extent possible
13 and seeks to collocate schools with other public facilities
14 such as parks, libraries, and community centers to the extent
15 possible.

16 3. Specify uniform, districtwide level-of-service
17 standards for public schools of the same type and the process
18 for modifying the adopted level-of-service standards.

19 4. Establish a process for the preparation, amendment,
20 and joint approval by each local government and the school
21 board of a public school capital facilities program which is
22 financially feasible, and a process and schedule for
23 incorporation of the public school capital facilities program
24 into the local government comprehensive plans on an annual
25 basis.

26 5. Define the geographic application of school
27 concurrency. If school concurrency is to be applied on a less
28 than districtwide basis in the form of concurrency service
29 areas, the agreement shall establish criteria and standards
30 for the establishment and modification of school concurrency
31 service areas. The agreement shall also establish a process

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1 and schedule for the mandatory incorporation of the school
2 concurrency service areas and the criteria and standards for
3 establishment of the service areas into the local government
4 comprehensive plans. The agreement shall ensure maximum
5 utilization of school capacity, taking into account
6 transportation costs and court-approved desegregation plans,
7 as well as other factors. The agreement shall also ensure the
8 achievement and maintenance of the adopted level-of-service
9 standards for the geographic area of application throughout
10 the 5 years covered by the public school capital facilities
11 plan and thereafter by adding a new fifth year during the
12 annual update.

13 6. Establish a uniform districtwide procedure for
14 implementing school concurrency which provides for:

15 a. The evaluation of development applications for
16 compliance with school concurrency requirements, including
17 information provided by the school board on affected schools,
18 impact on levels of service, and programmed improvements for
19 affected schools and any options to provide sufficient
20 capacity;

21 b. An opportunity for the school board to review and
22 comment on the effect of comprehensive plan amendments and
23 rezonings on the public school facilities plan; and

24 c. The monitoring and evaluation of the school
25 concurrency system.

26 7. Include provisions relating to amendment of the
27 agreement.

28 8. A process and uniform methodology for determining
29 proportionate fair-share ~~proportionate-share~~ mitigation
30 pursuant to subparagraph (e)1.

31 (h) Local government authority.--This subsection does

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1 not limit the authority of a local government to grant or deny
2 a development permit or its functional equivalent prior to the
3 implementation of school concurrency.

4 (16) It is the intent of the Legislature to provide a
5 method by which the impacts of development on transportation
6 facilities can be mitigated by the cooperative efforts of the
7 public and private sectors. The methodology used to calculate
8 proportionate fair-share mitigation under this section shall
9 be as provided for in subsection (12).

10 (b)1. In its transportation concurrency management
11 system, a local government shall, by December 1, 2006, include
12 methodologies that will be applied to calculate proportionate
13 fair-share mitigation. A developer may choose to satisfy all
14 transportation concurrency requirements by contributing or
15 paying proportionate fair-share mitigation if transportation
16 facilities or facility segments identified as mitigation for
17 traffic impacts are specifically identified for funding in the
18 5-year schedule of capital improvements in the capital
19 improvements element of the local plan or the long-term
20 concurrency management system or if such contributions or
21 payments to such facilities or segments are reflected in the
22 5-year schedule of capital improvements in the next regularly
23 scheduled update of the capital improvements element. Updates
24 to the 5-year capital improvements element which reflect
25 proportionate fair-share contributions may not be found not in
26 compliance based on ss. 163.3164(32) ~~163.164(32)~~ and
27 163.3177(3) if additional contributions, payments or funding
28 sources are reasonably anticipated during a period not to
29 exceed 10 years to fully mitigate impacts on the
30 transportation facilities.

31 2. Proportionate fair-share mitigation shall be

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1 applied as a credit against impact fees to the extent that all
2 or a portion of the proportionate fair-share mitigation is
3 used to address the same capital infrastructure improvements
4 contemplated by the local government's impact fee ordinance.

5 (c) Proportionate fair-share mitigation includes,
6 without limitation, separately or collectively, private funds,
7 contributions of land, and construction and contribution of
8 facilities and may include public funds as determined by the
9 local government. The fair market value of the proportionate
10 fair-share mitigation shall not differ based on the form of
11 mitigation. A local government may not require a development
12 to pay more than its proportionate fair-share mitigation
13 ~~contribution~~ regardless of the method of mitigation.

14 (f) If ~~In the event~~ the funds in an adopted 5-year
15 capital improvements element are insufficient to fully fund
16 construction of a transportation improvement required by the
17 local government's concurrency management system, a local
18 government and a developer may still enter into a binding
19 proportionate fair-share mitigation ~~proportionate share~~
20 agreement authorizing the developer to construct that amount
21 of development on which the proportionate fair-share
22 mitigation ~~share~~ is calculated if the proportionate fair-share
23 mitigation ~~proportionate share~~ amount in such agreement is
24 sufficient to pay for one or more improvements that ~~which~~
25 will, in the opinion of the governmental entity or entities
26 maintaining the transportation facilities, significantly
27 benefit the impacted transportation system. The improvement or
28 improvements funded by the proportionate fair-share mitigation
29 ~~proportionate share~~ component must be adopted into the 5-year
30 capital improvements schedule of the comprehensive plan at the
31 next annual capital improvements element update.

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Section 4. Subsection (17) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.--

(17) A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) ~~s. 163.3177(13)~~ and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

Section 5. Paragraph (a) of subsection (3) of section 163.3247, Florida Statutes, is amended to read:

163.3247 Century Commission for a Sustainable Florida.--

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.--The Century Commission for a

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1 Sustainable Florida is created as a standing body to help the
2 citizens of this state envision and plan their collective
3 future with an eye towards both 25-year and 50-year horizons.

4 (a) The commission shall consist of 21 ~~15~~ members, 7 ~~5~~
5 appointed by the Governor, 7 ~~5~~ appointed by the President of
6 the Senate, and 7 ~~5~~ appointed by the Speaker of the House of
7 Representatives. Appointments shall be made no later than
8 August 1, 2006 ~~October 1, 2005~~. The membership must represent
9 local governments, school boards, developers and homebuilders,
10 the business community, the agriculture community, the
11 environmental community, and other appropriate stakeholders.
12 In making the appointments, the Governor, the President of the
13 Senate, and the Speaker of the House of Representatives shall
14 ensure that the membership of the commission reflects the
15 racial, ethnic, and gender diversity, as well as the
16 geographic distribution, of the state's population. One member
17 shall be designated by the Governor as chair of the
18 commission. Any vacancy that occurs on the commission must be
19 filled in the same manner as the original appointment and
20 shall be for the unexpired term of that commission seat.

21 Members shall serve 4-year terms, except that, initially, to
22 provide for staggered terms, the Governor, the President of
23 the Senate, and the Speaker of the House of Representatives
24 shall each appoint one member to serve a 2-year term, three
25 ~~two~~ members to serve 3-year terms, and three ~~two~~ members to
26 serve 4-year terms. All subsequent appointments shall be for
27 4-year terms. An appointee may not serve more than 6 years.

28 Section 6. Subsections (1) and (11) of section 201.15,
29 Florida Statutes, are amended to read:

30 201.15 Distribution of taxes collected.--All taxes
31 collected under this chapter shall be distributed as follows

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and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed \$300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and \$300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed \$30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent fiscal year, but shall not exceed a total of \$300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and

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1 the debt service for the remainder of the fiscal year in which
2 the bonds are issued is specifically appropriated in the
3 General Appropriations Act. For purposes of refunding
4 Preservation 2000 bonds, amounts designated within this
5 section for Preservation 2000 and Florida Forever bonds may be
6 transferred between the two programs to the extent provided
7 for in the documents authorizing the issuance of the bonds.
8 The Preservation 2000 bonds and Florida Forever bonds shall be
9 equally and ratably secured by moneys distributable to the
10 Land Acquisition Trust Fund pursuant to this section, except
11 to the extent specifically provided otherwise by the documents
12 authorizing the issuance of the bonds. No moneys transferred
13 to the Land Acquisition Trust Fund pursuant to this paragraph,
14 or earnings thereon, shall be used or made available to pay
15 debt service on the Save Our Coast revenue bonds.

16 (b) The remainder of the moneys distributed under this
17 subsection, after the required payment under paragraph (a),
18 shall be paid into the State Treasury to the credit of the
19 Save Our Everglades Trust Fund in amounts necessary to pay
20 debt service, provide reserves, and pay rebate obligations and
21 other amounts due with respect to bonds issued under s.
22 215.619.

23 (c) The remainder of the moneys distributed under this
24 subsection, after the required payments under paragraphs (a)
25 and (b), shall be paid into the State Treasury to the credit
26 of the Land Acquisition Trust Fund and may be used for any
27 purpose for which funds deposited in the Land Acquisition
28 Trust Fund may lawfully be used. Payments made under this
29 paragraph shall continue until the cumulative amount credited
30 to the Land Acquisition Trust Fund for the fiscal year under
31 this paragraph and paragraph (2)(b) equals 70 percent of the

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current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term "current official forecast" means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that fiscal year, no further payments are required under this paragraph during the fiscal year.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of \$542 ~~\$541.75~~ million in each fiscal year, to be paid in quarterly installments and used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County

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1 Outreach Program described in sub-subparagraph b.

2 2. The Water Protection and Sustainability Program
3 Trust Fund in the Department of Environmental Protection in
4 the amount of \$100 million in each fiscal year, to be paid in
5 quarterly installments and used as required by s. 403.890.

6 3. The Public Education Capital Outlay and Debt
7 Service Trust Fund in the Department of Education in the
8 amount of \$104,130,000 ~~\$105 million~~ in each fiscal year, to be
9 paid in monthly installments ~~with \$75 million used~~ to fund the
10 Classrooms for Kids Program created in s. 1013.735, ~~and \$30~~
11 ~~million to be used to fund the High Growth County District~~
12 ~~Capital Outlay Assistance Grant Program created in s.~~
13 ~~1013.738~~. If required, new facilities constructed under the
14 Classrooms for Kids Program must meet the requirements of s.
15 1013.372.

16 4. The Grants and Donations Trust Fund in the
17 Department of Community Affairs in the amount of \$3.87 ~~\$3.25~~
18 million in each fiscal year to be paid in monthly
19 installments, with \$3 million to be used to fund technical
20 assistance to local governments and school boards on the
21 requirements and implementation of this act and \$870,000
22 ~~\$250,000~~ to be used to fund the Century Commission for a
23 Sustainable Florida established in s. 163.3247.

24
25 Moneys distributed pursuant to this paragraph may not be
26 pledged for debt service unless such pledge is approved by
27 referendum of the voters.

28 (e) The remainder of the moneys distributed under this
29 subsection, after the required payments under paragraphs (a),
30 (b), (c), and (d), shall be paid into the State Treasury to
31 the credit of the General Revenue Fund of the state to be used

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1 and expended for the purposes for which the General Revenue
2 Fund was created and exists by law or to the Ecosystem
3 Management and Restoration Trust Fund or to the Marine
4 Resources Conservation Trust Fund as provided in subsection
5 (11).

6 (11) From the moneys specified in paragraphs (1)(e)
7 ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the
8 General Revenue Fund, \$30 million shall be paid into the State
9 Treasury to the credit of the Ecosystem Management and
10 Restoration Trust Fund in fiscal year 2000-2001 and each
11 fiscal year thereafter, to be used for the preservation and
12 repair of the state's beaches as provided in ss.
13 161.091-161.212, and \$2 million shall be paid into the State
14 Treasury to the credit of the Marine Resources Conservation
15 Trust Fund to be used for marine mammal care as provided in s.
16 370.0603(3).

17 Section 7. Effective July 1, 2007, section 201.15,
18 Florida Statutes, as amended by section 1 of chapter 2005-92,
19 Laws of Florida, and section 26 of chapter 2005-290, Laws of
20 Florida, is amended to read:

21 201.15 Distribution of taxes collected.--All taxes
22 collected under this chapter shall be distributed as follows
23 and shall be subject to the service charge imposed in s.
24 215.20(1), except that such service charge shall not be levied
25 against any portion of taxes pledged to debt service on bonds
26 to the extent that the amount of the service charge is
27 required to pay any amounts relating to the bonds:

28 (1) Sixty-two and sixty-three hundredths percent of
29 the remaining taxes collected under this chapter shall be used
30 for the following purposes:

31 (a) Amounts as shall be necessary to pay the debt

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1 service on, or fund debt service reserve funds, rebate
2 obligations, or other amounts payable with respect to
3 Preservation 2000 bonds issued pursuant to s. 375.051 and
4 Florida Forever bonds issued pursuant to s. 215.618, shall be
5 paid into the State Treasury to the credit of the Land
6 Acquisition Trust Fund to be used for such purposes. The
7 amount transferred to the Land Acquisition Trust Fund shall
8 not exceed \$300 million in fiscal year 1999-2000 and
9 thereafter for Preservation 2000 bonds and bonds issued to
10 refund Preservation 2000 bonds, and \$300 million in fiscal
11 year 2000-2001 and thereafter for Florida Forever bonds. The
12 annual amount transferred to the Land Acquisition Trust Fund
13 for Florida Forever bonds shall not exceed \$30 million in the
14 first fiscal year in which bonds are issued. The limitation on
15 the amount transferred shall be increased by an additional \$30
16 million in each subsequent fiscal year, but shall not exceed a
17 total of \$300 million in any fiscal year for all bonds issued.
18 It is the intent of the Legislature that all bonds issued to
19 fund the Florida Forever Act be retired by December 31, 2030.
20 Except for bonds issued to refund previously issued bonds, no
21 series of bonds may be issued pursuant to this paragraph
22 unless such bonds are approved and the debt service for the
23 remainder of the fiscal year in which the bonds are issued is
24 specifically appropriated in the General Appropriations Act.
25 For purposes of refunding Preservation 2000 bonds, amounts
26 designated within this section for Preservation 2000 and
27 Florida Forever bonds may be transferred between the two
28 programs to the extent provided for in the documents
29 authorizing the issuance of the bonds. The Preservation 2000
30 bonds and Florida Forever bonds shall be equally and ratably
31 secured by moneys distributable to the Land Acquisition Trust

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1 Fund pursuant to this section, except to the extent
2 specifically provided otherwise by the documents authorizing
3 the issuance of the bonds. No moneys transferred to the Land
4 Acquisition Trust Fund pursuant to this paragraph, or earnings
5 thereon, shall be used or made available to pay debt service
6 on the Save Our Coast revenue bonds.

7 (b) The remainder of the moneys distributed under this
8 subsection, after the required payment under paragraph (a),
9 shall be paid into the State Treasury to the credit of the
10 Save Our Everglades Trust Fund in amounts necessary to pay
11 debt service, provide reserves, and pay rebate obligations and
12 other amounts due with respect to bonds issued under s.
13 215.619.

14 (c) The remainder of the moneys distributed under this
15 subsection, after the required payments under paragraphs (a)
16 and (b), shall be paid into the State Treasury to the credit
17 of the Land Acquisition Trust Fund and may be used for any
18 purpose for which funds deposited in the Land Acquisition
19 Trust Fund may lawfully be used. Payments made under this
20 paragraph shall continue until the cumulative amount credited
21 to the Land Acquisition Trust Fund for the fiscal year under
22 this paragraph and paragraph (2)(b) equals 70 percent of the
23 current official forecast for distributions of taxes collected
24 under this chapter pursuant to subsection (2). As used in this
25 paragraph, the term "current official forecast" means the most
26 recent forecast as determined by the Revenue Estimating
27 Conference. If the current official forecast for a fiscal year
28 changes after payments under this paragraph have ended during
29 that fiscal year, no further payments are required during the
30 fiscal year.

31 (d) The remainder of the moneys distributed under this

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subsection, after the required payments under paragraphs (a),
(b), and (c), shall be paid into the State Treasury to the
credit of:

1. The State Transportation Trust Fund in the
Department of Transportation in the amount of ~~\$542~~ ~~\$541.75~~
million in each fiscal year, to be paid in quarterly
installments and used for the following specified purposes,
notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New
Starts Transit Program, authorized by Title 49, U.S.C. s. 5309
and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach
Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System
specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
percent of these funds after allocating for the New Starts
Transit Program described in sub-subparagraph a. and the Small
County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional
Incentive Program specified in s. 339.2819, 25 percent of
these funds after allocating for the New Starts Transit
Program described in sub-subparagraph a. and the Small County
Outreach Program described in sub-subparagraph b.

2. The Water Protection and Sustainability Program
Trust Fund in the Department of Environmental Protection in
the amount of \$100 million in each fiscal year, to be paid in
quarterly installments and used as required by s. 403.890.

3. The Public Education Capital Outlay and Debt
Service Trust Fund in the Department of Education in the
amount of ~~\$104,130,000~~ ~~\$105 million~~ in each fiscal year, to be
paid in monthly installments ~~with \$75 million used to fund the~~

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1 Classrooms for Kids Program created in s. 1013.735, ~~and \$30~~
 2 ~~million to be used to fund the High Growth County District~~
 3 ~~Capital Outlay Assistance Grant Program created in s.~~
 4 ~~1013.738~~. If required, new facilities constructed under the
 5 Classrooms for Kids Program must meet the requirements of s.
 6 1013.372.

7 4. The Grants and Donations Trust Fund in the
 8 Department of Community Affairs in the amount of \$3.87 ~~\$3.25~~
 9 million in each fiscal year to be paid in monthly
 10 installments, with \$3 million to be used to fund technical
 11 assistance to local governments and school boards on the
 12 requirements and implementation of this act \$870,000 and
 13 ~~\$250,000~~ to be used to fund the Century Commission for a
 14 Sustainable Florida established in s. 163.3247.

15
 16 Moneys distributed pursuant to this paragraph may not be
 17 pledged for debt service unless such pledge is approved by
 18 referendum of the voters.

19 (e) The remainder of the moneys distributed under this
 20 subsection, after the required payments under paragraphs (a),
 21 (b), (c), and (d) shall be paid into the State Treasury to the
 22 credit of the General Revenue Fund to be used and expended for
 23 the purposes for which the General Revenue Fund was created
 24 and exists by law or to the Ecosystem Management and
 25 Restoration Trust Fund or to the Marine Resources Conservation
 26 Trust Fund as provided in subsection (11).

27 (2) The lesser of seven and fifty-six hundredths
 28 percent of the remaining taxes collected under this chapter or
 29 \$84.9 million in each fiscal year shall be used for the
 30 following purposes:

31 (a) Beginning in the month following the final payment

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1 for a fiscal year under paragraph (1)(c), available moneys
2 shall be paid into the State Treasury to the credit of the
3 General Revenue Fund to be used and expended for the purposes
4 for which the General Revenue Fund was created and exists by
5 law or to the Ecosystem Management and Restoration Trust Fund
6 or to the Marine Resources Conservation Trust Fund as provided
7 in subsection (11). Payments made under this paragraph shall
8 continue until the cumulative amount credited to the General
9 Revenue Fund for the fiscal year under this paragraph equals
10 the cumulative payments made under paragraph (1)(c) for the
11 same fiscal year.

12 (b) The remainder of the moneys distributed under this
13 subsection shall be paid into the State Treasury to the credit
14 of the Land Acquisition Trust Fund. Sums deposited in the fund
15 pursuant to this subsection may be used for any purpose for
16 which funds deposited in the Land Acquisition Trust Fund may
17 lawfully be used.

18 (3) The lesser of one and ninety-four hundredths
19 percent of the remaining taxes collected under this chapter or
20 \$26 million in each fiscal year shall be paid into the State
21 Treasury to the credit of the Land Acquisition Trust Fund.
22 Moneys deposited in the trust fund pursuant to this section
23 shall be used to acquire coastal lands or to pay debt service
24 on bonds issued to acquire coastal lands and to develop and
25 manage lands acquired with moneys from the Land Acquisition
26 Trust Fund.

27 (4) The lesser of four and two-tenths percent of the
28 remaining taxes collected under this chapter or \$60.5 million
29 in each fiscal year shall be paid into the State Treasury to
30 the credit of the Water Management Lands Trust Fund. Sums
31 deposited in that fund may be used for any purpose authorized

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1 in s. 373.59.

2 (5) Four and two-tenths percent of the remaining taxes
3 collected under this chapter shall be paid into the State
4 Treasury to the credit of the Conservation and Recreation
5 Lands Trust Fund to carry out the purposes set forth in s.
6 259.032. Nine and one-half percent of the amount credited to
7 the Conservation and Recreation Lands Trust Fund pursuant to
8 this subsection shall be transferred to the State Game Trust
9 Fund and used for land management activities.

10 (6) The lesser of two and twenty-eight hundredths
11 percent of the remaining taxes collected under this chapter or
12 \$36.1 million in each fiscal year shall be paid into the State
13 Treasury to the credit of the Invasive Plant Control Trust
14 Fund to carry out the purposes set forth in ss. 369.22 and
15 369.252.

16 (7) The lesser of one-half of one percent of the
17 remaining taxes collected under this chapter or \$9.3 million
18 in each fiscal year shall be paid into the State Treasury to
19 the credit of the State Game Trust Fund to be used exclusively
20 for the purpose of implementing the Lake Restoration 2020
21 Program.

22 (8) One-half of one percent of the remaining taxes
23 collected under this chapter shall be paid into the State
24 Treasury and divided equally to the credit of the Department
25 of Environmental Protection Water Quality Assurance Trust Fund
26 to address water quality impacts associated with
27 nonagricultural nonpoint sources and to the credit of the
28 Department of Agriculture and Consumer Services General
29 Inspection Trust Fund to address water quality impacts
30 associated with agricultural nonpoint sources, respectively.
31 These funds shall be used for research, development,

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1 demonstration, and implementation of suitable best management
2 practices or other measures used to achieve water quality
3 standards in surface waters and water segments identified
4 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.
5 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
6 management practices and other measures may include cost-share
7 grants, technical assistance, implementation tracking, and
8 conservation leases or other agreements for water quality
9 improvement. The Department of Environmental Protection and
10 the Department of Agriculture and Consumer Services may adopt
11 rules governing the distribution of funds for implementation
12 of best management practices. The unobligated balance of funds
13 received from the distribution of taxes collected under this
14 chapter to address water quality impacts associated with
15 nonagricultural nonpoint sources will be excluded when
16 calculating the unobligated balance of the Water Quality
17 Assurance Trust Fund as it relates to the determination of the
18 applicable excise tax rate.

19 (9) The lesser of seven and fifty-three hundredths
20 percent of the remaining taxes collected under this chapter or
21 \$107 million in each fiscal year shall be paid into the State
22 Treasury to the credit of the State Housing Trust Fund and
23 shall be used as follows:

24 (a) Half of that amount shall be used for the purposes
25 for which the State Housing Trust Fund was created and exists
26 by law.

27 (b) Half of that amount shall be paid into the State
28 Treasury to the credit of the Local Government Housing Trust
29 Fund and shall be used for the purposes for which the Local
30 Government Housing Trust Fund was created and exists by law.

31 (10) The lesser of eight and sixty-six hundredths

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percent of the remaining taxes collected under this chapter or \$136 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(11) From the moneys specified in paragraphs (1)(e) ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and \$2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

(12) The Department of Revenue may use the payments credited to trust funds pursuant to paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and (10) to pay the costs of the collection and enforcement of the tax levied by this chapter. The percentage of such costs which

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1 may be assessed against a trust fund is a ratio, the numerator
2 of which is payments credited to that trust fund under this
3 section and the denominator of which is the sum of payments
4 made under paragraphs (1)(c) and (2)(b) and subsections (3),
5 (4), (5), (6), (7), (8), (9), and (10).

6 (13) The distribution of proceeds deposited into the
7 Water Management Lands Trust Fund and the Conservation and
8 Recreation Lands Trust Fund, pursuant to subsections (4) and
9 (5), shall not be used for land acquisition, but may be used
10 for preacquisition costs associated with land purchases. The
11 Legislature intends that the Florida Forever program supplant
12 the acquisition programs formerly authorized under ss. 259.032
13 and 373.59. Prior to the 2005 Regular Session of the
14 Legislature, the Acquisition and Restoration Council shall
15 review and make recommendations to the Legislature concerning
16 the need to repeal this provision. Based on these
17 recommendations, the Legislature shall review the need to
18 repeal this provision during the 2005 Regular Session.

19 (14) Amounts distributed pursuant to subsections (5),
20 (6), (7), and (8) are subject to the payment of debt service
21 on outstanding Conservation and Recreation Lands revenue
22 bonds.

23 (15) Beginning July 1, 2008, in each fiscal year that
24 the remaining taxes collected under this chapter exceed such
25 collections in the prior fiscal year, the stated maximum
26 dollar amounts provided in subsections (2), (4), (6), (7),
27 (9), and (10) shall each be increased by an amount equal to 10
28 percent of the increase in the remaining taxes collected under
29 this chapter multiplied by the applicable percentage provided
30 in those subsections.

31 (16) If the payment requirements in any year for bonds

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1 outstanding on July 1, 2007, or bonds issued to refund such
2 bonds, exceed the limitations of this section, distributions
3 to the trust fund from which the bond payments are made shall
4 be increased to the lesser of the amount needed to pay bond
5 obligations or the limit of the applicable percentage
6 distribution provided in subsections (1)-(12).

7 (17) Distributions to the State Housing Trust Fund
8 pursuant to subsections (9) and (10) shall be sufficient to
9 cover amounts required to be transferred to the Florida
10 Affordable Housing Guarantee Program's annual debt service
11 reserve and guarantee fund pursuant to s. 420.5092(6)(a) and
12 (b) up to but not exceeding the amount required to be
13 transferred to such reserve and fund based on the percentage
14 distribution of documentary stamp tax revenues to the State
15 Housing Trust Fund which is in effect in the 2004-2005 fiscal
16 year.

17 (18) The remaining taxes collected under this chapter,
18 after the distributions provided in the preceding subsections,
19 shall be paid into the State Treasury to the credit of the
20 General Revenue Fund.

21 Section 8. Paragraph (a) of subsection (4) of section
22 339.2819, Florida Statutes, is amended to read:

23 339.2819 Transportation Regional Incentive Program.--

24 (4)(a) Projects to be funded with Transportation
25 Regional Incentive Program funds shall, at a minimum:

26 1. Support those transportation facilities that serve
27 national, statewide, or regional functions and function as an
28 integrated regional transportation system.

29 2. Be identified in the capital improvements element
30 of a comprehensive plan that has been determined to be in
31 compliance with part II of chapter 163, after July 1, 2005, or

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1 to implement a long-term concurrency management system adopted
2 by a local government in accordance with s. 163.3180(9) ~~s.~~
3 ~~163.3177(9)~~. Further, the project shall be in compliance with
4 local government comprehensive plan policies relative to
5 corridor management.

6 3. Be consistent with the Strategic Intermodal System
7 Plan developed under s. 339.64.

8 4. Have a commitment for local, regional, or private
9 financial matching funds as a percentage of the overall
10 project cost.

11 Section 9. Paragraphs (l), (m), and (n) of subsection
12 (24) of section 380.06, Florida Statutes, are amended to read:

13 380.06 Developments of regional impact.--

14 (24) STATUTORY EXEMPTIONS.--

15 (l) Any proposed development within an urban service
16 boundary established under s. 163.3177(14) is exempt from the
17 provisions of this section if the local government having
18 jurisdiction over the area where the development is proposed
19 has adopted the urban service boundary and has entered into a
20 binding agreement with adjacent jurisdictions and the
21 Department of Transportation regarding the mitigation of
22 impacts on state and regional transportation facilities, and
23 has adopted a proportionate fair-share mitigation ~~share~~
24 methodology pursuant to s. 163.3180(16).

25 (m) Any proposed development within a rural land
26 stewardship area created under s. 163.3177(11)(d) is exempt
27 from the provisions of this section if the local government
28 that has adopted the rural land stewardship area has entered
29 into a binding agreement with jurisdictions that would be
30 impacted and the Department of Transportation regarding the
31 mitigation of impacts on state and regional transportation

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facilities, and has adopted a proportionate fair-share
mitigation ~~share~~ methodology pursuant to s. 163.3180(16).

(n) Any proposed development or redevelopment within
an area designated as an urban infill and redevelopment area
under s. 163.2517 is exempt from the provisions of this
section if the local government has entered into a binding
agreement with jurisdictions that would be impacted and the
Department of Transportation regarding the mitigation of
impacts on state and regional transportation facilities, and
has adopted a proportionate fair-share mitigation ~~share~~
methodology pursuant to s. 163.3180(16).

Section 10. Paragraph (a) of subsection (2) of section
1013.65, Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction
funds; Public Education Capital Outlay and Debt Service Trust
Fund; allocation of funds.--

(2)(a) The Public Education Capital Outlay and Debt
Service Trust Fund shall be comprised of the following
sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the
sale of public education bonds and that portion of the
revenues accruing from the gross receipts tax as provided by
s. 9(a)(2), Art. XII of the State Constitution, as amended,
interest on investments, and federal interest subsidies.

2. General revenue funds appropriated to the fund for
educational capital outlay purposes.

3. All capital outlay funds previously appropriated
and certified forward pursuant to s. 216.301.

4.a. Funds paid pursuant to s. 201.15(1)(d).

b. The sum of \$104,130,000 ~~\$41.75 million~~ of such
funds shall be appropriated annually for expenditure to fund

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the Classrooms for Kids Program created in s. 1013.735 and shall be distributed as provided by that section.

Section 11. Subsections (1) and (3) of section 1013.738, Florida Statutes, are amended to read:

1013.738 High Growth District Capital Outlay Assistance Grant Program.--

(1) ~~Subject to funds provided in the General Appropriations Act,~~ The High Growth District Capital Outlay Assistance Grant Program is hereby established. Funds provided pursuant to this section may only be used to construct new student stations.

(3) The funds appropriated for the program ~~provided in the General Appropriations Act~~ shall be allocated pursuant to the following methodology:

(a) For each eligible district, the Department of Education shall calculate the value of 50 percent of the revenue derived from the 2-mill nonvoted discretionary capital outlay millage for the past 4 fiscal years divided by the increase in capital outlay FTE students for the same period.

(b) The Department of Education shall determine, for each eligible district, the amount that must be added to the value calculated pursuant to paragraph (a) to produce the weighted average value per student station calculated pursuant to paragraph (2)(b).

(c) The value calculated for each eligible district pursuant to paragraph (b) shall be multiplied by the average increase in capital outlay FTE students for the past 4 fiscal years to determine the maximum amount of a grant that may be awarded to a district pursuant to this section.

(d) ~~If in the event~~ the funds appropriated for the program ~~provided in the General Appropriations Act~~ are

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1 insufficient to fully fund the maximum grants calculated
2 pursuant to paragraph (c), the Department of Education shall
3 allocate the funds based on each district's prorated share of
4 the total maximum award amount calculated for all eligible
5 districts.

6 Section 12. Effective upon this act becoming a law,
7 \$250,000 of the moneys distributed to the Grants and Donations
8 Trust Fund in the Department of Community Affairs under s.
9 201.15, Florida Statutes, which were appropriated in section
10 40 of chapter 2005-290, Laws of Florida, and vetoed for the
11 2005-2006 fiscal year, is distributed to and appropriated on a
12 nonrecurring basis for the 2005-2006 fiscal year to the State
13 Transportation Trust Fund in the Department of Transportation
14 to be used for the purposes of the Strategic Intermodal System
15 specified in ss. 339.61, 339.62, 339.63, and 339.64, Florida
16 Statutes.

17 Section 13. Effective upon this act becoming a law,
18 the \$200 million appropriated in paragraph (a) of subsection
19 (2) of section 27 of chapter 2005-290, Laws of Florida, to the
20 State Transportation Trust Fund in the Department of
21 Transportation to be used for the purposes specified in ss.
22 339.61, 339.62, 339.63, and 339.64, Florida Statutes, is
23 reduced to \$175 million for the 2005-2006 fiscal year.

24 Section 14. Effective upon this act becoming a law,
25 the \$30 million appropriated in s. 1013.65(2)(a)4.c., Florida
26 Statutes, as provided by section 25 of chapter 2005-290, Laws
27 of Florida, which was vetoed for the 2005-2006 fiscal year,
28 which sum is in the Public Education Capital Outlay and Debt
29 Service Trust Fund in the Department of Education, is
30 appropriated for the 2005-2006 fiscal year on a nonrecurring
31 basis to the Classrooms for Kids Program created in s.

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1 1013.735, Florida Statutes.

2 Section 15. Except as otherwise expressly provided in
3 this act and except for this section, which shall take effect
4 upon becoming a law, this act shall take effect July 1, 2006.

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